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September 14, 2018

VIA ECF

Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza,
Brooklyn, New York 11201

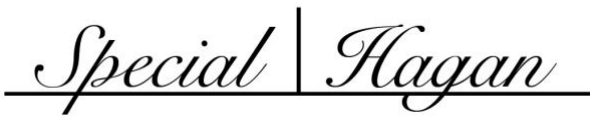
RE: Wilson v. City of New York et. al.
Case No.: 12-6024(BMC)(LB)

Dear Judge Cogan:

I respectfully respond again to the Court's representation that Defendants' do not have a complete list of exhibits. To be clear, Plaintiff has the same exhibit list that Defendants provided on August 2, 2018 as well. Therefore, to insist that I revise my exhibit list or submit anything other than what was provided at the August 2, 2018 conference would be a clear instance where the Court is treating Plaintiff differently than Defendants.

Furthermore, Your Honor initially orally ordered on August 2, 2018 at the Final Pre-Trial Conference that I revise my exhibit list. However, in a written ECF Docket order Issued by Your Honor that same afternoon, Your Honor determined that we would not have another Pre-Trial Conference and proceeded to designate dates for jury selection and trial. (ECF Dkt. 120). As such, it was clear to me that at that time the parties were to proceed in preparing for trial with the exhibits designated on the Joint Proposed Pre-Trial Order.

To be clear, as of today, Plaintiff has the same list of witnesses and exhibits from Defendants as he had on August 2, 2018. Therefore, Defendants are operating with the same understanding that the witnesses and exhibits they designated for the August 2, 2018 hearing were the exhibits and witnesses that would be called with the exception of Your Honor's oral rulings that day. Plaintiff respectfully argues that he should not be treated any differently and should be allowed to proceed the same way as Defendants are being allowed to proceed. Defendants have not revised their witness or exhibit list after the August 2, 2018 hearing, as such Plaintiff should not have to be required to do so either.



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Despite Your Honor's order on August 2, 2018 regarding a second pretrial conference, Defendants requested a Motion Hearing on both the exhibits and witness list. Again, it was clear that the parties were to proceed with the witnesses and exhibits as identified on the 2nd. Additionally, I did not make any formal request for Your Honor's intervention to marshal some of my witnesses until today, and even with this correspondence I have yet to specify who I sought to be marshalled or the number of witnesses. To be clear, today I only expressed an intent to do so at some point in the future.

Lastly, it was also only today, after Defendants asked for a Motion Hearing on the same exhibits that Your Honor said would not be efficiently determined until trial commenced that I asked to make a written argument. I will comply with the Court's order that was rendered earlier today and will submit a written brief, however again it appears that Defendants are being accorded undue favor with Your Honor's insistence that I argue against myself. Your Honor rendered an order which Defendants ignored in their request for a Motion Hearing. On the other hand, I have been compliant to the extent possible with Your Honor's directives and again believe that Plaintiff and I are being treated unfairly in this process and by the Court.

Respectfully,

Special Hagan, Esq.

Special Hagan, Esq.
Attorney for Plaintiff
Sean Wilson

Cc: Yuval Rubenstein, Esq.
James Fredrick Horton, Esq.
Attorney for Defendants,